

Monte J. White & Associates, PC  
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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
ABILENE DIVISION

IN RE:

Jesse Pena Rodriguez, Sr.

and

Monica Aranda Rodriguez

DEBTOR(s)

§ CASE NO. 09-10449-RLJ-13

§

§ HEARING DATE: 11/2/2011

§ HEARING TIME: 11:00 A.M.

FIRST MODIFICATION OF CHAPTER 13 PLAN AFTER CONFIRMATION

DATE: 09/27/2011

Pursuant to 11 USC 1329, the Debtor(s) (per the undersigned attorney) or the Standing Chapter 13 Trustee, requests the following Modification of Debtor(s) Confirmed Plan herein:

I. HISTORY OF THE CASE

1. Date Case Filed: 11/23/2009
2. Date of Section 341 Meeting: 1/4/2010
3. First Payment Date: 12/23/2009
4. Date of Confirmation: 2/5/2010
5. Total Plan Term Prior to this Modification: 56
6. Number of Months from First Payment Date through month prior to estimated month of Modification Approval: 23
7. Remaining Plan Term (subtract item 6 from the lesser of item 5 or 60 months): 33
8. Amount of Arrears through the month prior to the date the Modification is filed: \$148.50
9. Date plan payments are to resume: 11/23/2011
10. Total Payments Paid to the Trustee through the month prior to the date the Modification is filed with the clerk: \$13,422.50
11. Total payments due to the Trustee through the month prior to the date the Modification is filed with the clerk: \$13,571.00
12. Total Payments Due to the Trustee from the month the Modification is filed to the month the Modification is set for approval: \$833.50

13. List Dates of any Prior Orders Modifying, Interlocutory Orders, or Special Supervision Orders:  
TRCC 8/9/2010

**II. MODIFICATION REQUESTED**

(CHECK 1 OR MORE OF THE FOLLOWING 4 CHOICES)

- \_\_\_\_\_ Plan payments remain at \$\_\_\_\_\_ per month.  
  x   DECREASE monthly payment from \$685.00 per month to \$240.00 per month  
(must coincide with resume date shown in item 9 above)  
\_\_\_\_\_ Extend months from \_\_\_\_\_ months to \_\_\_\_\_ months (not to exceed 60 calendar  
months from month of First Payment Date)  
\_\_\_\_\_ Add balloon payment of \_\_\_\_\_ in \_\_\_\_\_ month (indicate how the balloon payment will be  
made)

\_\_\_\_\_  
\_\_\_\_\_ All modifications that include a balloon payment will require testimony.

Any arrears indicated in item 8 above shall be cured by the following method:

**III. RESUMPTION OF PAYMENTS TO THE TRUSTEE**

(All information below must be complete)

Payments can only change as of the month the modification is approved. Payments to the Trustee in the amount of \$240.00 will resume on or before 11/23/2011 for 33 months (item 7 above) remaining in the Modified Plan as of the date the modification is approved.

Base amount will change from \$37,546.00 to \$32,717.12

If the base amount has changed complete the following:

- |  |                    |
|--|--------------------|
| 1. Total Paid in as of the month prior to Modification Approval:   | \$14,941.00        |
| 2. (+)Plus Total Payments to be made through the Remainder of Plan:<br>(Making up any arrears in item 9 above) | \$ 7,920.00        |
| 3. (+)Plus Insurance Proceeds from totaled car   | \$ 9,856.12        |
| 4. (=) New Base Amount   | <u>\$32,717.12</u> |

**IV. TREATMENT OF UNSECURED CREDITORS**

Unsecured creditors are not guaranteed a dividend when a plan is confirmed. See general order 2006-1. Allowed general unsecured claims may receive a pro-rata share of the unsecured creditors' pool, but not less than the section 1325(a)(4) amount of non-exempt property less

allowed administrative and priority claims, after the TRCC becomes final. A proof of claim must be timely filed to be allowed.

#### V. SECURED, PRIORITY OR SPECIAL CLASS TREATMENT

ADD/DELETE/SURRENDER/CHANGE the following Secured, Priority or Special Class Unsecured Creditor(s):

C/D;A=ADD;D = DELETE; S = SURRENDER; CF = CHANGE FROM; CT = CHANGE TO  
Code Name Class Amount Collateral Value Interest Treatment

CF	S-Americredit	2007 Saturn Vue	\$17,010.60	\$419.32
CT	“	“	“	Surrender interest in full satisfaction of debt (after application of insurance proceeds of \$9,856.12)
A	S-Green Tree	Post-petition mortgage arrears	\$5,499.48 @ 10% interest	\$191.30 per month for 33 months

Note: Changes to any creditors above shall not be effective until the Modification is approved.

#### VI. ATTORNEY FEES

Debtor's attorney shall be allowed an additional fee for this Modification in the total amount of \$350.00 plus \$50.00 in costs, of which \$400.00 will be paid through the Plan by the Trustee.

#### VII. REASON FOR MODIFICATION

This modification is requested for the following reason(s): Debtors' vehicle has been totaled and insurance will pay proceeds of \$9,856.12. In addition, Debtors wish to add post-petition mortgage arrears to plan per Amended Agreed Order entered with the Court on 9/20/2011.

#### VIII. BUDGET INFORMATION

At the time of filing this modification the debtor shall provide a filed marked copy of the current budget (schedules I & J) and the three most recent pay stubs to the Trustee.

See Amended Schedules I & J on file with the Court.

Respectfully submitted,

/s/Pamela J. Chaney  
Attorney for Debtor(s)

CERTIFICATE OF SERVICE

I certify that a true copy of the above and foregoing Modification of Plan after Confirmation has been served by me on 09/29/2011, on all parties on the attached matrix, by ECF and/or United States First Class Mail, proper postage affixed.

/s/Pamela J. Chaney  
Attorney for Debtor(s)

Label Matrix for local noticing  
0539-1  
Case 09-10449-rlj13  
Northern District of Texas  
Abilene  
Tue Sep 27 14:26:18 CDT 2011

1st Cash Advance  
Texas Loan Corporation  
690 E. Lamar Blvd. Suite 575  
Arlington ,TX 76011-3869

(p)AMERICREDIT  
PO BOX 183853  
ARLINGTON TX 76096-3853

(c)CBE GROUP  
131 TOWER PARK DR STE 100  
WATERLOO IA 50701-9374

Covenant Medical Group  
Malone & Hogan  
PO Box 94188  
Lubbock, TX 79493-4188

EZ Loan  
3202 N. 1st, Suite F  
Abilene, TX 79603-7039

First Premier Bank  
PO Box 5524  
Sioux Falls, SD 57117-5524

Green Tree Servicing LLC  
PO BOX 0049  
Palatine, IL 60055-0049

HSBC Card Services  
PO Box 80026  
Salinas, CA 93912

(p)INTERNAL REVENUE SERVICE  
CENTRALIZED INSOLVENCY OPERATIONS  
PO BOX 7346  
PHILADELPHIA PA 19101-7346

Green Tree Servicing LLC  
c/o Richard A. McKinney  
Higier Allen & Lautin, P.C.  
5057 Keller Springs Road, Suite 600  
Addison, TX 75001-6352

AMERICAN INFOSOURCE LP AS AGENT FOR  
T MOBILE/T-MOBILE USA INC  
PO Box 248848  
Oklahoma City, OK 73124-8848

CAPITAL ONE BANK USA, N.A.  
BY AMERICAN INFOSOURCE LP AS AGENT  
PO Box 71083  
Charlotte, NC 28272-1083

Clinical Pathology Associates  
1818 Pine St.  
Abilene, TX 79601-2349

Cox Communication  
902 S. CLack  
Abilene, TX 79605-3535

Equidata  
724 Thimble Shoals Blvd  
Newport News, VA 23606-2574

General Credit Service  
7250 N 16th St Ste 101  
Phoenix, AZ 85020-5214

(p)GREENTREE SERVICING LLC  
BANKRUPTCY DEPARTMENT  
P O BOX 6154  
RAPID CITY SD 57709-6154

Hendrick Medical Center  
Collection Department  
1900 Pine Street  
Abilene, Texas 79601-2432

(p)MICHAEL REED OR LEE GORDON  
PO BOX 1269  
ROUND ROCK TX 78680-1269

306 Federal Building  
1205 Texas Avenue  
Lubbock, TX 79401-4037

Aarons Sales  
2102 N 1st St.  
Abilene, TX 79603-7302

Cash & Go  
2501 S Treadaway  
Abilene, TX 79602-5913

Collectech Diversified  
Po Box 12027  
Lubbock, TX 79452-2027

(p)DIRECTV CUSTOMER SERVICE  
ATTN BANKRUPTCY CLAIMS  
PO BOX 6550  
GREENWOOD VILLAGE CO 80155-6550

Fac-nab  
Attn: ABK Unit  
PO Box 198988  
Nashville, TN 37219-8988

(c)GREEN TREE SERVICING L  
332 MINNESOTA ST STE E610  
SAINT PAUL MN 55101-1311

Green Tree Servicing LLC  
c/o Richard A. McKinney  
Higier Allen & Lautin, P.C.  
5057 Keller Springs Rd., Suite 600  
Addison, Texas 75001-6352

I C System Inc  
Po Box 64378  
Saint Paul, MN 55164-0378

Midland Credit Management, Inc.  
8875 Aero Drive, Suite 200  
San Diego, CA 92123-2255

Midland Credit Mgmt  
8875 Aero Drive Suite 200  
San Diego, CA 92123-2255

Monte J. White & Associates, P.C.  
402 Cypress, Suite 310  
Abilene, TX 79601-5151

Nco Fin-09  
507 Prudential Rd  
Horsham, PA 19044-2308

Nco Fin-38  
Pob 13564  
Philadelphia, PA 19101

Noble Fin  
25331 1h 10 West  
San Antonio, TX 78257

PRA Receivables Management, LLC  
As Agent Of Portfolio Recovery Assocs.  
c/o Orchard/Sub Prime  
POB 41067  
NORFOLK VA 23541-1067

(p)PORTFOLIO RECOVERY ASSOCIATES LLC  
PO BOX 41067  
NORFOLK VA 23541-1067

Precision Recovery Analytics, Inc  
MS 550  
PO Box 91121  
Seattle, WA 98111-9221

Radiology Associates of Abilene  
PO Box 2898  
Abilene, TX 79604-2898

SFC Central Bankruptcy  
PO Box 1893  
Spartanburg, SC 29304-1893

Service Bureau Inc  
2705 81st St  
Lubbock, TX 79423-2229

Superior Mgt  
Attn: Bankruptcy  
PO Box 468089  
Atlanta, GA 31146-8089

T-Mobile  
PO Box 37380  
Albuquerque, NM 87176-7380

Taylor CAD  
co Michael Reed  
P.O. Box 1269  
Round Rock, TX 78680-1269

Taylor Co. Central Appraisal District  
1534 South Treadaway Blvd  
Abilene, TX 79602-4927

Texas Midwest Surgery Ctr.  
751 North 18th Street  
Abilene, Texas 79601-3017

Verizon Wireless  
PO Box 3397  
Bloomington, IL 61702-3397

(c)VERNON MARK WILLIAMS, MD  
1904 PINE ST STE 4D  
ABILENE TX 79601-2450

West Central TX Collections  
PO Box 2586  
Abilene, TX 79604-2586

Jesse Pena Rodriguez Sr.  
3333 Melinda Lane  
Abilene, TX 79603-2118

Monica Aranda Rodriguez  
3333 Melinda Lane  
Abilene, TX 79603-2118

Pamela Jean Chaney  
Monte J. White & Associates, P.C.  
American State Building  
402 Cypress, Ste. 310  
Abilene, TX 79601-5151

UST U.S. Trustee  
1100 Commerce Street  
Room 976  
Dallas, TX 75242-1011

Walter 12,13 OCheskey  
6308 Iola Avenue  
Lubbock, TX 79424-2735

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

AmeriCredit Financial Services, Inc.  
PO Box 183853  
Arlington, TX 76096

(d)Americredit  
801 Cherry St 3900  
Fort Worth, TX 76102

Direct TV  
PO Box 70014  
Boise ID 83707-0114

Green Tree Servicing LLC  
PO BOX 6154  
Rapid City, SD 57709-9858

IRS Special Procedures  
Mail Code 5020-DAL  
1100 Commerce St, Room 9B8  
Dallas, TX 75242

(d) Internal Revenue Service  
PO Box 21126  
Philadelphia, PA 19114

Michael Reed  
McCreary Veselka, Bragg & Allen P.C.  
PO Box 1269  
Round Rock, TX 78680

Portfolio Rc  
Attn: Bankruptcy  
120 Corporate Blvd Suite 100  
Norfolk, VA 23502

Addresses marked (c) above for the following entity/entities were corrected  
as required by the USPS Locatable Address Conversion System (LACS).

Cbe Group  
131 Towe Park Dr Suite 1  
Waterloo, IA 50702

Green Tree Servicing L  
332 Minnesota St Ste 610  
Saint Paul, MN 55101

Vernon Mark Williams, MD  
1100 N 19th Suite 4D  
Abilene, TX 79601

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) Taylor CAD

(d) Verizon Wireless  
PO Box 3397  
Bloomington, IL 61702-3397

End of Label Matrix	
Mailable recipients	53
Bypassed recipients	2
Total	55